

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiffs,

v.

MATTHEW BENDER,

Defendant.

Case No. 10-20084

Honorable Julian Abele Cook, Jr.

ORDER

The Defendant, Matthew Bender, has been charged by a grand jury in a second superceding indictment with the failure to appear at a bond review hearing, in violation of 18 U.S.C. § 3146(a)(1). A jury trial is scheduled to begin on June 3, 2014. Now pending before the Court is the Government's motion for an order requiring the production of records from the John D. Dingell Veterans Administration Medical Center in Detroit, Michigan ("VA Medical Center").

Based on the fact that Bender has previously raised health concerns in relation to this case, the Government expects Bender to defend the current criminal charge by claiming that he was unable to appear at the hearing because of medical issues. In anticipation of this defense, the Government seeks to have the VA Medical Center produce records showing dates and times of Bender's appointments, visits, hospital admissions, and consultations for the period of January 1, 2013 through August 30, 2013. The Government expects that these records will contradict the anticipated defense by demonstrating that Bender was not in the VA Medical Center at the time of the hearing on July 2, 2013. An attorney for the VA Medical Center has informed the Government that a court order is required for the release of the requested information.

In this case, Bender has not yet presented a medical defense to the criminal charge. As such, an order requiring the production of the requested records is premature. If and when Bender implicates his medical history in his defense, the Government may renew its request.

For the reasons that have been set forth above, the Court will deny the Government's motion for an order requiring the production of VA Medical Center records without prejudice (ECF No. 79).

IT IS SO ORDERED.

Date: May 30, 2014

s/Julian Abele Cook, Jr.  
JULIAN ABELE COOK, JR.  
U.S. District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on May 30, 2014.

s/ Kay Doaks  
Case Manager